IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 110 OF 2007

Shri Sunil Ratanlal Chrungoo ..Applicant

Vs.

The State of Maharashtra (Through Wanawadi Police Station, Pune) ..Respondent

Mr. Uday Warunjikar with Ms. Aparna More for applicant.
Mr. U.V. Nikam, APP for State.

CORAM: B.H. MARLAPALLE,J.

Reserved on : January 25, 2007.

Pronounced on : February 02, 2007.

P.C.:

1. Heard Mr. Warunjikar with Ms.Aparna More the learned counsel for the applicant who came to be arrested in connection with C.R. No.508 of 2006 for the offence punishable under Section 376 of I.P.C. and registered with Wanawadi Police Station at Pune, on 18/12/2006. He had filed an application for being released on bail after he had remanded to the Magisterial custody on 22/12/2006. Said application came to be rejected on 5/1/2006 by the learned Additional Sessions Judge at Pune and hence this

application for bail under Section 439 (1) of Cr.P.C.

2. As per the complaint lodged by the prosecutrix on 18/12/2006, she was invited by the accused to visit his house on 29/11/2006 and he and his wife were known to the prosecutirx for about four years. The prosecutrix is about 50 years of age, married and has a son. She and the accused are the devotees of Lord Shrikrishna and they used to meet during the Shrikrishna Temple Camps. She further alleges that when she went to the house of the accused, located in Nyati Estate, Mohammadwadi, Pune along with some fruits at about 2.30 p.m. he received her at the main gate of the building and escorted her to his house. On entering the house, she asked the accused about his wife and she was informed that his wife was sitting in the bedroom and she could join her. When the prosecutrix opened the door, she did not find the wife of the accused but she found that a blue film was being shown on the T.V. The prosecutrix was scared and she dropped the fruits in her hands. At that juncture the accused held her from behind and told her she is very beautiful and he was keeping an eye on her for a long time. She started shouting but nobody

could hear her and all her requests to the accused to release her went in vain. He removed her clothes and thereafter he removed his clothes, made her sleep on the bed and committed sexual intercourse with her. She remained with him without clothes for about two hours as he did not allow her to move and thereafter she went home. She was scared to disclose this to anyone immediately and in the evening she contacted two of her friends, namely, Mrs.Madhu Anand Gupta, resident of Kohinoor Planet, Aundh Road, Pune and Mrs.Jyotsna Dilarsingh Khanna, resident of Thakur Village, Kandivali (East), Mumbai. The prosecutrix also alleged that the accused had threatened her not to disclose the incident to anyone, otherwise he would publish her naked photographs he had snapped on his cell phone. She further alleged that the accused had told her that he would do the same thing to many other women.

3. When the learned Additional Sessions Judge rejected the application for bail the investigation was in progress. However, as per the instructions received by the learned APP the charge-sheet has been submitted to the learned JMFC, Cantonment Court at

Pune on 24/1/2007. The cell phone of the accused as well as the blue film reportedly seized from his house are in the custody of the I.O.

4. As noted earlier, the complaint came to be filed for the first time on 18/12/2006 and the prosecutrix has furnished reasons for the same Having regards to the fact that the investigation is completed and the charge-sheet has been filed, the further detention of the applicant-accused in the police custody is not warranted. He claims that he has been falsely implicated in the said allegations by the prosecutrix. There are no eye witnesses and the accused and prosecutrix have been known to each other for at least four years. The prosecutrix had gone to the house of the accused on an invitation. The applicant holds a Masters Degree in Computer Management and has his permanent home at Pune and he undertakes to remain present before the trial court as and when the trial commences. He also states that he would not engage in any act which would amount to tampering with the evidence of the prosecution.

5. Taking into consideration these over all

circumstances of the case, this application will have to be allowed and the same is hereby allowed. The applicant is directed to be released on bail in connection with C.R. No.508 of 2006 registered with Wanawadi Police Station at Pune on furnishing a PR bond in the sum of Rs.25,000/- and one solvent surety in the like amount and on the further condition that he shall attend to the sessions trial as and when required and he shall not leave Pune without obtaining in writing, prior permission from the Wanawadi Police Station during the pendency of the trial. The trial is hereby directed to be expedited.

(B.H. Marlapalle,J.)